

Honorable James L. Robart

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON AT SEATTLE

KEITH EMMANUEL; RICHARD
HOMCHICK; and CHARLES PETERS, as
individuals,

Plaintiffs,

v.

KING COUNTY, a municipal corporation and
responsible entity of the KING COUNTY
SHERIFF'S OFFICE and the KING COUNTY
PROSECUTING ATTORNEY'S OFFICE;
CITY OF BELLEVUE, a municipal
corporation and responsible entity of the
BELLEVUE POLICE DEPARTMENT; JOHN
URQUHART, individually and in his official
capacity as King County Sherrieff; DANIEL
SATTERBERG, individually and in his
official capacity as King County Prosecutor;
STEVEN MYLETT, individually and in his
official capacity as Bellevue Police Chief; and
JOHN DOES 1-10,

Defendants.

No. 2:18-cv-00377-JLR

STIPULATED MOTION AND ~~ORDER TO STAY INITIAL SCHEDULING DEADLINES~~ *JLR*

NOTE ON MOTION CALENDAR:
May 7, 2018

STIPULATED MOTION AND ORDER TO STAY INITIAL
SCHEDULING DEADLINES (No. 2:18-cv-00377-JLR) - 1

LAW OFFICES OF
MILLS MEYERS SWARTLING P.S.
1000 SECOND AVENUE, 30TH FLOOR
SEATTLE, WASHINGTON 98104
TELEPHONE (206) 382-1000
FACSIMILE (206) 386-7343

STIPULATED MOTION

All parties jointly request that the deadlines for the Joint Status Report and initial disclosures be continued until after the Court rules on King County's Motion to Dismiss and Stay (Dkt. 17), which is noted for May 11.

The County's motion seeks, among other relief, a stay of this civil action until the related criminal proceedings in state court are concluded.¹ (*See* Dkt. 17.) The current deadline to exchange initial disclosures is May 8, and the deadline to submit a Joint Status Report and Discovery Plan is May 15. (Dkt. 15.)

The parties held their FRCP 26(f) conference on April 23 and resumed the conference on May 3. Among the issues discussed were the topics listed in the Court's March 27, 2018, Order (Dkt. #11), King County's pending motion, the Plaintiffs' own reasons for desiring a stay of this civil action on different grounds than those raised in King County's motion, and other issues. The parties determined that their input regarding numerous items in the Joint Status Report (proposed deadlines for joining additional parties, disclosing experts and completing discovery, for example) will depend on whether this action is going to be stayed and on what grounds. The parties also agreed it would be inefficient to make initial disclosures now if no other discovery will occur until after any potential stay is lifted.

Therefore, the parties request that the deadlines for initial disclosures and submission of the Joint Status Report both be moved to fourteen days after (1) the Court rules on the

¹ The criminal trials of Plaintiffs Keith Emmanuel and Charles Peters are currently scheduled for September 2018. Plaintiff Richard Homchick's criminal proceeding is already concluded.

County's pending motion or (2) the Court lifts any stay it decides to order, whichever occurs later.

DATED: May 7, 2018

MILLS MEYERS SWARTLING P.S.
Co-Counsel for the City of Bellevue and
Chief Stephen Mylett

CITY OF BELLEVUE
OFFICE OF THE CITY ATTORNEY
Lori M. Riordan, City Attorney
Co-Counsel for the City of Bellevue and
Chief Stephen Mylett

By: s/Geoffrey M. Grindeland
Geoffrey M. Grindeland, WSBA No. 35798
Brett T. MacIntyre, WSBA No. 46572
Mills Meyers Swartling P.S.
1000 2nd Avenue, 30th Floor
Seattle, WA 98104
Telephone: (206) 382-1000
Fax: (206) 386-7343
E-mail: ggrindeland@millsmeyers.com
bmacintyre@millsmeyers.com

By: s/Cheryl A. Zakrzewski
Cheryl A. Zakrzewski, WSBA No. 15906
City of Bellevue
450 -- 110th Avenue NE
Bellevue, WA 98004
Telephone: (425) 452-6829
Fax: (425) 452-7256
E-mail: czakrzewski@bellevuewa.gov

SPIRO HARRISON
Counsel for the Plaintiffs

KING COUNTY PROSECUTING
ATTORNEY'S OFFICE
Counsel for King County Defendants

By: s/Hozaiifa Y. Cassubhai
Hozaiifa Y. Cassubhai, WSBA No. 39512
Spiro Harrison
500 Union Street, Suite 800
Seattle, WA 98101
Telephone: (206) 899-1996
Fax: (973) 232-0887
E-mail: hcassubhai@spiroharrison.com

By: s/David JW Hackett
David JW Hackett, WSBA No. 21236
Richard L. Anderson, WSBA No. 25115
King County Prosecutor's Office
900 King County Administration Building
500 Fourth Avenue
Seattle, WA 98104
Telephone: (206) 296-0430
Fax: (206) 296-8819
E-mail: david.hackett@kingcounty.gov
rich.anderson@kingcounty.gov

STIPULATED MOTION AND ORDER TO STAY INITIAL
SCHEDULING DEADLINES (No. 2:18-cv-00377-JLR) - 3

LAW OFFICES OF
MILLS MEYERS SWARTLING P.S.
1000 SECOND AVENUE, 30TH FLOOR
SEATTLE, WASHINGTON 98104
TELEPHONE (206) 382-1000
FACSIMILE (206) 386-7343

ORDER

Based on the foregoing, there is good cause to continue the deadlines for initial disclosures and submission of the Joint Status Report. Accordingly, both deadlines are moved to fourteen days after (1) the Court rules on the County's pending motion or (2) the Court lifts any stay it decides to order, whichever occurs later.

IT IS SO ORDERED.

DATED: May 8, 2018



Honorable James L. Robart
United States District Judge

CERTIFICATE OF SERVICE

I certify that I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system which will send notification of such filing to:

Hozaiifa Y. Cassubhai, hcassubhai@spiroharrison.com

David J. Hackett, david.hackett@kingcounty.gov

Richard L. Anderson, rich.anderson@kingcounty.gov

I further certify that I mailed a true and correct copy of the foregoing to the following non-CM/ECF participants:

N/A

Dated this 7th day of May, 2018.

s/Karrie Fielder

Karrie Fielder